

CHAPTER 230-ZONING
ARTICLE XII Subdivision of Land

§ 230-120. Approval required; adoption of regulations.

A. Pursuant to resolutions of the Board of Trustees of the Village of Croton-on-Hudson and pursuant to the provisions of the Village Law,EN it is required that all plans showing new streets or highways and all plans of subdividing of land must be approved by the Planning Board of the Village of Croton-on-Hudson.

B. The following regulations concerning such plans are hereby adopted by the Planning Board of such Village.

C. The Village Board of Trustees shall be empowered, in its discretion, to waive any and all requirements, conditions and payments prescribed in this Chapter in the case of an action that is a subdivision solely because it affects more than two lots but does not increase the number of pre-existing buildable lots nor create a new lot that is not buildable without a variance or special permit.

§ 230-121. Definitions.

For the purposes of the regulations governing applications for and approval of plans for subdivisions, the following definitions shall apply:

SUBDIVISION

A. Subject to Subsection B below, any act which creates a lot line where none existed before or which removes a lot line where one existed before or a lease of 10 years or more covering only a portion of a lot where the property is substantially unimproved and is being leased for development. [Amended 3-7-1994 by L.L. No. 1-1994]

B. Notwithstanding Subsection A above, no act shall be deemed to constitute a "subdivision" if it meets the following three conditions:

- (1) It neither increases nor decreases the number of preexisting lots.
- (2) It affects no more than two lots.
- (3) It does not result in any nonconformity with Chapter 230, Zoning, of this Code.

TOPOGRAPHICAL MAP -- A map showing ground elevations by contour lines and the location of important natural and other objects.

§ 230-122. Greenway Compact Plan. [Added 11-19-2001 by L.L. No. 13-2001]

The Village of Croton-on-Hudson has adopted the Greenway Compact Plan, as amended from time to time, as a statement of policies, principles and guides to supplement other land use policies in the Village. In its discretionary actions under the Subdivision of Land chapter of the Village of Croton-on-Hudson Code, the reviewing agencyEN should take into consideration said statement of policies, principles and guides, as appropriate.

§ 230-123. Areas for parks and playgrounds.

A. Sites required. In subdividing property, provisions should be made for the laying out of suitable sites for parks and playgrounds. Where possible, 10% of the total area of the subdivision should be allotted for this purpose, except where such 10% amounts to less than 1/4 acre, and no recreation plot shall be less than 1/4 acre in size.

B. Money in lieu of recreation land. Whenever the Planning Board of the Village, in approving a plat showing lots, blocks or sites, with or without streets or highways, determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, there shall be paid to the Village a sum of money to be used for neighborhood park, playground or recreation purposes, including the acquisition of land for such purposes, to be computed in accordance with the following formula and subject to the following conditions: [Amended 9-15-1986]

- (1) For every subdivision in an RA or RB District, a fee set by resolution of the Board of Trustees shall be paid to the Department of Engineering. [Amended 10-7-2003 by L.L. No. 3-2003]
- (2) No sum of money shall be payable in lieu of park, playground or recreation land in relation to any lot which, on September 15, 1986, is already improved with a residential dwelling.
- (3) Payment of a sum of money in lieu of land for park, playground or recreation purposes shall be made to the Village by the applicant for plat approval by the Planning Board or proprietor or developer of

the lot or lots, at his option, either at the time of plat approval by the Planning Board or at the time of the issuance of a building permit by the Village Engineer and in conformity with whatever formula may be in force pursuant to a resolution of the Board of Trustees of the Village at the time of payment of the sum of money in lieu of land for park, playground or recreation land.

(4) The formula and conditions set forth above shall be applicable only to plats in RA and RB Zoning Districts. In regard to plats in other zoning districts as to which the Planning Board of the Village has, on approval, determined that a suitable park or parks of adequate size cannot be properly located in such plats or is otherwise not practical, a sum of money in lieu of park, playground or recreation land shall be paid to the Village in an amount to be determined by the Board of Trustees in each case on the basis of the facts and circumstances of that case and after consideration of such recommendations as the Planning Board may have made.

(5) All funds paid in lieu of recreation land shall constitute a trust fund to be used by the Village of Croton-on-Hudson exclusively for park, playground or recreation purposes, including the acquisition of land. [Added 1-12-1987]

§ 230-124. Reservation of land.

In general, no plat of subdivision will be approved which reserves strips of land which, in the opinion of the Planning Board, will subsequently prove a detriment to the proper growth and development of the Village.

§ 230-125. Easements.

Adequate easements for public utilities must be provided along side and rear lot lines when appropriate.

§ 230-126. Streets.

A. Conformance to Official Map. New subdivisions, insofar as possible, shall conform to the Board's established official map.

B. Relation to adjoining street system. The arrangement of streets in a new subdivision shall, in general, provide for the continuation of the principal existing streets in the adjoining allotment or their proper projection when adjoining property is not subdivided. In general, such streets shall be at least 50 feet wide. Greater width may be required for certain streets which are expected to be used as principal streets. In addition, 10 feet must be added on each side of any street designed or zoned for business. Names of streets must be indicated and must be approved by the Board of Trustees.

C. Streets deflecting within the block. In general, street lines within any block deflecting from each other at only one point more than 10 degrees shall be connected with a curve, the radius of which for the inner street line shall not be less than 350 feet. The outer street line shall be parallel to such inner street line. Reverse curves must be connected by tangents wherever possible. Visibility on curved streets must be maintained for a distance of 300 feet at the center line of the street by suitable setback restrictions.

D. Corner curves. Street-line corner curves shall be provided which have a minimum radius of 20 feet.

E. Dead-end streets. Except where future continuation is impossible, dead-end streets shall not be approved unless a turnaround roadway with a minimum radius for the outside curb of 30 feet is provided at the closed end. Such dead-end streets shall not be longer than 500 feet.

F. Grades. Streets shall be so arranged that grades shall not exceed 10%. The minimum grades shall not be less than 1%. A variation from these requirements may be made to meet the existing conditions of exceptional topography, if approved by the Planning Board.

G. Block lengths. Intersecting streets shall be laid out at such intervals that block lengths between street lines are not more than 700 feet, except where existing conditions justify a variation from this requirement, in which case an adequate pedestrian easement shall be provided near the center of the block.

H. Block widths. The widths of blocks shall generally be not less than 180 feet nor more than 400 feet.

I. Tree planting. Shade trees shall be planted on each side of each street, between the sidewalk and the property line, at maximum intervals of 50 feet, the species and location of which are to be approved by the Planning Board. The maximum possible number of existing trees should be preserved. EN

J. Approval of street layouts. The layout of streets, roads and/or other ways and/or the design, arrangement, etc., of any and all features pertaining thereto, including the planting of trees, shrubs, bushes and/or other vegetation and/or the placing of any other objects, decorative or otherwise, in sidewalk and

lawn spaces or elsewhere in connection with said streets shall be subject to the approval of the Planning Board.

§ 230-127. Lot boundary lines.

All measurements of lots affected by corner curves shall be to the intersection of streets or property lines extended and shall be so designated on any plans showing them.

§ 230-128. Sanitary and drainage conditions.

In general, no allotment or subdivision shall be approved unless it is provided with proper water and sanitary and drainage facilities or unless arrangements satisfactory to the Planning Board for their installation shall be made.

§ 230-129. Changes in plans.

No changes in a subdivision or in the plan of a subdivision already approved shall be made without the approval of the Planning Board.

§ 230-130. Surveys.

A. A survey for any purpose in connection with a subdivision and/or in connection with a plan for a subdivision, either or both of which come under the jurisdiction of the Planning Board, shall:

- (1) Be accompanied by a certificate from a licensed engineer or surveyor making such plans to the effect that the plan is correct and made from an actual balanced and closed survey.
- (2) Refer elevation, etc., to a standard datum, and said reference shall be clearly stated on any plan or drawing showing such datum.
- (3) Include, when necessary or required by the Planning Board, an accurate tie-line survey between an easily accessible and identifiable monument or prominent fixed object included in said survey and some recorded monument or other landmark or fixed point close by.

B. A survey to determine the extension into a new subdivision of an established street, road and/or other way shall:

- (1) Be run from a monument or other landmark already located in connection with said established street, road and/or way and said monument or other landmark must have been recorded in the office of the County Registrar.
- (2) Include, when necessary or required by the Planning Board and/ or if the extension of said street is not continuous with an established portion thereto an accurate tie-line survey from a monument or other landmark already located in connection with said established street, road and/or other way and recorded in the office of the County Registrar of Deeds.

§ 230-131. Location of boundary lines.

A. All dimensions, bearings, angles, etc., of property lines given on the plan:

- (1) Shall be determined on the ground by actual survey only, said survey to be transversed, balanced and closed, and any plan or plans showing said lines as otherwise determined (i.e., taken from other drawings, deeds, records, etc., and not having been actually determined by survey made on the ground) will not be considered as accurate and authentic and will not be acceptable to the Planning Board.
- (2) Must be referred to at least two permanent monuments not less than 600 feet apart, which shall be indicated on the map.
- (3) Shall be accurately located on the ground by properly referenced monuments. (See §§ 200-10 and 200-12.)

B. In a plan or drawing of a survey for any purpose coming under the jurisdiction of the Planning Board, the length of all straight lines, deflecting angles, radii, arcs and central angles of all curves shall be given along the proper line of each street. All dimensions along the lines of each lot, with angles of intersection which they make with each other, shall also be given in feet and decimals of a foot. Bearings shall be used instead of angles. Where a street is not continued straight across an intersecting street into the next block, the connection across such streets shall be given by the proper measurements.

§ 230-132. Monuments.

A. Monuments shall be of stone not less than 6 inches by 6 inches by thirty-six inches or of noncorrosive pipe not less than four inches inside diameter and not less than 36 inches long, filled with concrete and having a copper center.

B. Monuments shall be placed perpendicularly in the ground, with the upper end flush with or slightly below the surface, at such block corners, angle points, points of curve in streets and intermediate points as shall be required by the Planning Board.

C. The Planning Board may request the proper referencing of any monument or monuments, marker or markers, stake or stakes, etc.

D. A bond shall be posted covering the installation of such monuments.

§ 230-133. Preliminary plans.

A. Application by an owner or his authorized representative for approval of plans, plots and descriptions showing the layout of proposed highways and streets on private property or of proposed building lots in connection with and in relation to such proposed highways or streets or to existing streets shall be made, in writing, to the Planning Board. Such application shall be accompanied by two copies of a preliminary sketch plan which first shall be approved by such Board before submission of a final plan.

B. Such preliminary plan shall be drawn at a scale of at least 50 feet to the inch, shall extend 300 feet around the plot and shall show:

(1) The location of property lines (with their dimensions and angles), buildings and structures, existing and proposed surveyor's monuments, watercourses, railroads and other existing features.

(2) The location, width and names of existing and proposed streets, alleys, easements, lots, blocks and their dimensions, building lines and similar facts regarding the property in question and that immediately adjacent.

(3) The title under which the proposed subdivision is to be recorded, with the name of the owner and engineer or surveyor (with the state license number of the engineer or surveyor).

(4) The property boundary lines of the adjacent and/or neighboring tracts, whether laid out as subdivisions or not, with the names of such tracts and/or subdivisions or the names of the owners thereof.

(5) The location of any existing sewers and water mains, culverts, drain pipes and gas and electric lines on the property to be subdivided.

(6) A contour map showing contours at intervals of not more than five feet.

(7) The use, height and area district or districts in which the land to be subdivided falls according to the Chapter 230, Zoning.

(8) All parcels of land proposed to be dedicated to the public use, if any.

(9) The total area in acres and net area of lots, streets and parks.

(10) A cross-section of the proposed grading for roadways and sidewalks under special or unusual topographic conditions.

(11) Date, magnetic North or true North point and graphic scale, with datum dimensions in feet and hundredths of a foot. If magnetic North point is given, the deviation and date must be given.

C. A key map showing the relation of the subdivision to the surrounding territory must be filed at a scale of 400 feet to the inch or less, with map numbers as recorded in the office of County Registrar.

D. The subdivider shall coincidentally when submitting the preliminary plan, also furnish a statement signed by him to the Board, reciting:

(1) The nature and extent of the street improvements which he proposes to install.

(2) The names and/or designation, nature and extent of any recreational features, parks or playgrounds to be provided, if any, and whether or not and under what conditions they are to be dedicated to the Village.

(3) That he is able and willing and will proceed forthwith to file a map of record of his subdivision or such part thereof as he may wish to put on the market and will install all monuments in such sections shown on such map of record, in such manner and at such times as the Planning Board may designate.

E. The tentative approval of the preliminary plans by the Planning Board shall not constitute an acceptance of the plan of the subdivision but shall be merely a general approval of the layout submitted.

§ 230-134. Final plans.

A. After the approval of the preliminary plan, the owner of the property or his authorized representative shall prepare a final record or subdivision plan not later than two months after such approval. This plan shall contain complete data regarding the facts required in the following subsections:

(1) All final plans shall be drawn upon tracing cloth in sheets 32 inches wide by 40 inches long and to a graphic scale of 50 feet to an inch. Exceptions are to be made only with permission of the Planning Board; provided, however, that when more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision on one sheet with block numbers (lot numbers on separate sheet).

(2) It shall comply with any and all provisions for these regulations affecting plans of subdivisions and/or the submission of them to the Planning Board and, in particular, with the provisions of this Article relating to preliminary plans, § 200-13.

(3) Any other private restrictions to be embodied in the deeds of sale should accompany the final plan.

(4) It shall include a profile for each proposed street, alley and/or other way, showing grades approved by the Planning Board.

(5) It shall include the following certificate, which shall be inscribed with waterproof black India ink and shall be properly signed:

"I _____ a licensed (engineer or land surveyor) of the State of New York, do hereby certify that this plan correctly represents the lots, land, streets, alleys and highways as surveyed and plotted by me for the owner or agent.

Date _____ Signature _____ " (Seal)

§ 230-135. Preliminary plans.

A. The following shall be submitted to the Planning Board when a subdivision plan is presented for consideration:

(1) A description of the intent of the owner and/or subdivider as to the type, kind and/or class of the subdivision proposed.

(2) Two prints of the preliminary plan.

(3) The original or lithoprints on tracing cloth of any supplementary plans, drawings, etc., such as those of tie-lines.

B. A preliminary plan shall be accompanied by an affidavit made out by the then-owner of the plot and attested by a notary, setting forth:

(1) The full title of the then-ownership as recorded in the office of the County Registrar.

(2) The date the plot was acquired and thus recorded under said ownership.

(3) The title of at least the immediately preceding ownership, if acquired by the then-owner within one year of the date of submitting preliminary plan to the Planning Board.

C. A preliminary plan shall be accompanied by a check made payable to the Village Treasurer adequate to defray the cost of advertising for any public hearings which may be required.

§ 230-136. Final plans.

A. The following shall be submitted to the Planning Board when a final plan is prepared:

(1) The original of the final plan on tracing cloth.

(2) One lithoprint of the final plan on tracing cloth.

(3) The originals or lithoprint on tracing cloth of any supplementary plans, drawings, etc., such as those of tie-lines.

B. The final plan shall be deemed approved by the Planning Board only when the original of the final plan shall be signed in waterproof black India ink by the members of the Planning Board.

C. The Planning Board shall have made from the original of the approved final plan and at the expense of the owner and/or subdivider of the plot:

(1) A cloth print from which blueprints or other copies can be made.

(2) Two blueprints from the original of the approved final plan, mounted on cloth.

D. The final plan shall be recorded within six months after date of final approval by the Planning Board; otherwise such approval shall be deemed to be revoked.

§ 230-137. Revocation of approval.

Unless the developer shall have shown substantial evidence of progress in the carrying out of the approved plans within three years from date of approval, such approval may, at the option of the Planning Board, be revoked without notice to the developer.